**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WEBROOT, INC., OPEN TEXT INC.,	§	
OPEN TEXT CORPORATION,	§	**6:22-cv-00243-ADA-DTG**
Plaintiffs,	§	**LEAD CASE**
	§	
-v-	§	**6:22-cv-00342-ADA-DTG**
	§	**MEMBER CASE**
FORCEPOINT, LLC,	§	
Defendant.	§	
	§	

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendants Webroot, Inc., Open Text Inc., and Open Text Corporation's Opening and Reply briefs (ECF Nos. 195 and 250, respectively) and Plaintiff ForcePoint, LLC's Response and Sur-Reply briefs (ECF Nos. 240 and 264, respectively). The Court provided preliminary constructions for the disputed terms one day before the hearing. The Court held the *Markman* hearing on May 3, 2023. ECF No. 291. During that hearing, the Court informed the Parties of the final constructions for the disputed terms. *Id.* This Order does not alter any of those constructions.

The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

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SIGNED this 3rd day of May, 2023.

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DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#1: "database factory" U.S. Patent No. 7,194,464, Claims 1, 7, 22, 23, 35, 39, 44, 46, 48, 50, 53, 60 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"software and/or hardware that resolves which family of utility classes to use for creating or modifying databases"	Plain-and-ordinary meaning
#2: "access system" U.S. Patent No. 7,194,464, Claims 1, 2 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"system on a local area network for controlling access to a wide area network (WAN)"	Plain-and-ordinary meaning
#3: "filter system" / "filtering system" U.S. Patent No. 7,194,464, Claims 1, 2, 6, 8, 18, 22, 30, 39, 41, 44, 46, 53, 54, 60 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"A system on a local area network that includes a master database to determine whether a user will be allowed access to requested websites/pages"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#4: "network gateway device" U.S. Patent No. 8,938,773, Claims 1, 7, 12, 13, 23; U.S. Patent No. 9,609,001, Claims 1, 7, 10, 11 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	Plain and ordinary meaning, which is "a device that connects a network to a wide area network (WAN)"	Plain-and-ordinary meaning
#5: "a classification module configured to determine whether the data in transit includes prohibited content" U.S. Patent No. 8,938,773, Claim 1; U.S. Patent No. 9,609,001, Claim 1 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"determine whether the data in transit includes prohibited content" means "compare a fingerprint or signature against a database of signatures to identify the content"	Plain-and-ordinary meaning
#6: "a transmission policy" U.S. Patent No. 8,938,773, Claims 1, 13, 22; U.S. Patent No. 9,609,001, Claims 1, 4, 11, 12, 16 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"A policy that determines whether data is to be transmitted, blocked or reported"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#7: "honey client" U.S. Patent No. 8,978,140, Claims 1, 10, 14, 16 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	"software that mimics the behavior of web browser to visit websites to detect malicious code"	Plain-and-ordinary meaning wherein the plain-and-ordinary meaning is "a security mechanism meant to fool a malicious website into revealing its true nature."
#8: "in response to a determination that the first/second URL contains a malicious data element" / "in response to determining the first/second URL does not contain a malicious data element" U.S. Patent No. 8,978,140, Claims 1, 10, 14, 16 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	Indefinite	Not indefinite. Plain-and-ordinary meaning.
#9: "spawned" U.S. Patent No. 9,654,495, Claims 1, 12, 23 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	Indefinite	Not indefinite. Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#10: "comparing which processes are spawned with a list to determine properties of the URL" / "compare which processes are spawned with a list to determine properties of the URL" U.S. Patent No. 9,654,495, Claims 1, 12, 23 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	Indefinite, or alternatively, "[comparing/compare] which processes are spawned by the web content identified by the URL with a list to determine properties of the URL"	Not indefinite. Plain-and-ordinary meaning.
#11: "receiving … a request for access …, determining which processes are spawned …; comparing which processes are spawned …; and determining …whether to allow the requested based at least partly on the determined properties" U.S. Patent No. 9,654,495, Claims 1, 12, 23 Proposed by Defendants	Plain and ordinary meaning. No construction necessary.	Order of steps; Each step occurs in sequence before the next recited step	No order between steps other than: (1) Limitation [d] ("determining … whether to allow the request) comes last, (2) Limitation [c] ("comparing which processes are spawned") follows Limitation [b] ("determining which processes are spawned").